



February 13, 2009

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## HOUSE BILL No. 1483

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DIGEST OF HB 1483 (Updated February 10, 2009 1:33 pm - DI 77)

**Citations Affected:** IC 9-13; IC 9-20; IC 9-21; IC 9-24; IC 14-8.

**Synopsis:** Off-road vehicles as farm wagons. Defines "farm wagon" as including three, four, and six wheeled motor vehicles with a folding hitch that is used for certain purposes. Prohibits a certain type of farm wagon from operation on an interstate highway, or a state highway, except under specific circumstances. Authorizes an individual at least 15 years of age to operate a motorized farm wagon on a highway. Prohibits the use of a motorized farm wagon operated on a highway to tow another vehicle. Makes conforming amendments.

**Effective:** July 1, 2009.

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**Lehe, Grubb**

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January 14, 2009, read first time and referred to Committee on Agriculture and Rural Development.  
February 12, 2009, amended, reported — Do Pass.

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HB 1483—LS 6888/DI 96+



February 13, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## HOUSE BILL No. 1483

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 9-13-2-60, AS AMENDED BY P.L.210-2005,  
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2009]: Sec. 60. (a) "Farm wagon" means **either of the**  
4 **following:**

5 (1) A wagon, other than an implement of agriculture, **that is** used  
6 primarily for transporting farm products and farm supplies in  
7 connection with a farming operation.

8 (2) A **three (3), four (4), or six (6) wheeled motor vehicle with**  
9 **a folding hitch on the front of the motor vehicle,**  
10 **manufactured with seating for not more than four (4)**  
11 **individuals, that is used primarily:**

12 (A) **to transport an individual from one (1) farm field to**  
13 **another, whether or not the motor vehicle is operated on a**  
14 **highway in order to reach the other farm field;**

15 (B) **for the transportation of an individual upon farm**  
16 **premises; or**

17 (C) **for both purposes set forth in clauses (A) and (B).**

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(b) The term includes a motor vehicle described in subsection (a)(2) that is used for the incidental transportation of farm supplies or farm implements at the same time it is used for the transportation of an individual.

SECTION 2. IC 9-13-2-198 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 198. **Except as provided in section 60(a)(2) of this chapter, "wagon" means a vehicle that is:**

- (1) without motive power;
- (2) designed to be pulled by a motor vehicle;
- (3) constructed so that no part of the weight of the wagon rests upon the towing vehicle;
- (4) equipped with a flexible tongue; and
- (5) capable of being steered by the front two (2) wheels.

SECTION 3. IC 9-20-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) This section does not apply to farm wagons **as defined in IC 9-13-2-60(a)(1). However, a farm wagon as defined in IC 9-13-2-60(a)(2) that is operated on a highway may not be used to tow another vehicle.**

(b) The draw bar or other connection between any two (2) vehicles, one (1) of which is towing or drawing the other upon a highway, may not exceed fifteen (15) feet in length from one (1) vehicle to the other.

(c) Each trailer and semitrailer hauled by a motor propelled vehicle must be attached to the vehicle and to each other with the forms of coupling devices that will prevent the trailer or semitrailer from being deflected more than six (6) inches from the path of the towing vehicle or to each other, by suitable safety chains or devices, one (1) on each side of the coupling and at the extreme outer edge of the vehicle. Each chain or device and connection used must be of sufficient strength to haul the trailer when loaded.

(d) A vehicle, including a combination of vehicles engaged in interstate commerce, and any safety equipment on the vehicle, including safety chains, cables, or other devices, that is otherwise in compliance with:

- (1) the United States Department of Transportation Federal Highway Administration motor carrier safety regulations;
- (2) the motor vehicle safety standards of the National Highway Safety Bureau of the United States Department of Transportation;
- or
- (3) the successor of either or both of those agencies;

is considered to be in compliance with this section.

SECTION 4. IC 9-20-10-2 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. **(a)** A farm wagon as defined in IC 9-13-2-60(a)(1) is not subject to IC 9-20-9-8 with regard to trailers in tow.

**(b) A farm wagon as defined in IC 9-13-2-60(a)(2) may not be used to tow a trailer.**

SECTION 5. IC 9-21-8-45 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 45. **(a)** A farm wagon may not be operated on an interstate highway.

**(b) In addition to the prohibition set forth in subsection (a), a farm wagon (as defined in IC 9-13-2-60(a)(2)) may not be operated on a highway designated as a part of the state highway system under IC 8-23-4-2, except that a farm wagon may cross a state highway, other than a limited access highway, at right angles for the purpose of getting from one (1) farm field to another when the operation can be done safely. The operator shall bring the farm wagon to a complete stop before proceeding across the state highway and shall yield the right-of-way to all traffic.**

SECTION 6. IC 9-24-1-7, AS AMENDED BY P.L.210-2005, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. Sections 1 through 5 of this chapter do not apply to the following individuals:

(1) An individual in the service of the armed forces of the United States while operating an official motor vehicle in that service.

(2) An individual while operating:

(A) a road roller;

(B) road construction or maintenance machinery, except where the road roller or machinery is required to be registered under Indiana law;

(C) a ditch digging apparatus;

(D) a well drilling apparatus;

(E) a concrete mixer; or

(F) a farm tractor, **a farm wagon as defined in IC 9-13-2-60(a)(2)**, or an implement of agriculture designed to be operated primarily in a farm field or on farm premises; that is being temporarily drawn, moved, or propelled on ~~an~~ **Indiana** a public highway. **However, to operate a farm wagon as defined in IC 9-13-2-60(a)(2) on a highway, an individual must be at least fifteen (15) years of age.**

(3) A nonresident who:

(A) is at least sixteen (16) years and one (1) month of age; and

(B) has in the nonresident's immediate possession a valid operator's license that was issued to the nonresident in the

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1 nonresident's home state or country;  
 2 while operating a motor vehicle in Indiana only as an operator.  
 3 (4) A nonresident who:  
 4 (A) is at least eighteen (18) years of age; and  
 5 (B) has in the nonresident's immediate possession a valid  
 6 chauffeur's license that was issued to the nonresident in the  
 7 nonresident's home state or country;  
 8 while operating a motor vehicle upon a public highway, either as  
 9 an operator or a chauffeur.  
 10 (5) A nonresident who:  
 11 (A) is at least eighteen (18) years of age; and  
 12 (B) has in the nonresident's immediate possession a valid  
 13 license issued by the nonresident's home state for the operation  
 14 of any motor vehicle upon a public highway when in use as a  
 15 public passenger carrying vehicle;  
 16 while operating a motor vehicle upon a public highway.  
 17 (6) A nonresident whose home state or country does not require  
 18 the licensing of operators or chauffeurs and who has not been  
 19 licensed as an operator or a chauffeur in the nonresident's home  
 20 state or country as an operator if the nonresident is at least sixteen  
 21 (16) years and thirty (30) days of age and less than eighteen (18)  
 22 years of age or as a chauffeur if the nonresident is at least  
 23 eighteen (18) years of age, for not more than sixty (60) days in  
 24 any one (1) year if the following conditions exist:  
 25 (A) The unlicensed nonresident is the owner of the motor  
 26 vehicle or the authorized driver of the vehicle.  
 27 (B) The vehicle has been registered for the current year in the  
 28 state or country of which the owner is a resident.  
 29 (C) The motor vehicle at all times displays a registration plate  
 30 issued in the home state or country of the owner.  
 31 (D) The nonresident owner or driver has in the owner's or  
 32 driver's immediate possession a registration card evidencing  
 33 ownership and registration in the owner's or driver's home  
 34 state or country or is able at any required time or place to do  
 35 the following:  
 36 (i) Prove lawful possession or the right to operate the motor  
 37 vehicle.  
 38 (ii) Establish the nonresident's proper identity.  
 39 (7) An individual who is legally licensed to operate a motor  
 40 vehicle in the state of the individual's residence and who is  
 41 employed in Indiana, subject to the restrictions imposed by the  
 42 state of the individual's residence.

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(8) A new resident of Indiana who possesses an unexpired driver's license issued by the resident's former state of residence, for a period of sixty (60) days after becoming a resident of Indiana.

(9) An individual who is an engineer, a conductor, a brakeman, or another member of the crew of a locomotive or a train that is being operated upon rails, including the operation of the locomotive or the train on a crossing over a street or a highway. An individual described in this subdivision is not required to display a license to a law enforcement officer in connection with the operation of a locomotive or a train in Indiana.

SECTION 7. IC 14-8-2-185, AS AMENDED BY P.L.225-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 185. (a) "Off-road vehicle", for purposes of IC 14-16-1 and IC 14-19-1-0.5, means a motor driven vehicle capable of cross-country travel:

- (1) without benefit of a road; and
- (2) on or immediately over land, water, snow, ice, marsh, swampland, or other natural terrain.

(b) The term includes the following:

- (1) A multiwheel drive or low pressure tire vehicle.
- (2) An amphibious machine.
- (3) A ground effect air cushion vehicle.
- (4) Other means of transportation deriving motive power from a source other than muscle or wind.

(c) The term does not include the following:

- (1) A farm vehicle being used for farming, **including, but not limited to, a farm wagon as defined in IC 9-13-2-60(a)(2).**
- (2) A vehicle used for military or law enforcement purposes.
- (3) A construction, mining, or other industrial related vehicle used in performance of the vehicle's common function.
- (4) A snowmobile (as defined by section 261 of this chapter).
- (5) A registered aircraft.
- (6) Any other vehicle properly registered by the bureau of motor vehicles.
- (7) Any watercraft that is registered under Indiana statutes.
- (8) A golf cart vehicle.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1483, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 8, delete "(3) or " and insert "**(3)**".

Page 1, line 8, after "(4)" insert ", **or six (6)**".

Page 1, line 8, after "vehicle" insert "**with a folding hitch on the front of the motor vehicle, manufactured with seating for not more than four (4) individuals,**".

Page 3, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 5. IC 9-21-8-45 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 45. **(a)** A farm wagon may not be operated on an interstate highway.

**(b) In addition to the prohibition set forth in subsection (a), a farm wagon (as defined in IC 9-13-2-60(a)(2)) may not be operated on a highway designated as a part of the state highway system under IC 8-23-4-2, except that a farm wagon may cross a state highway, other than a limited access highway, at right angles for the purpose of getting from one (1) farm field to another when the operation can be done safely. The operator shall bring the farm wagon to a complete stop before proceeding across the state highway and shall yield the right-of-way to all traffic."**

Page 3, line 23, delete "public".

Page 3, line 24, delete "fourteen (14)" and insert "**fifteen (15)**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1483 as introduced.)

PFLUM, Chair

Committee Vote: yeas 12, nays 0.

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